

Statutory Instrument No. 90 of 1985

FAUNA CONSERVATION ACT
(Cap. 38:01)

**FAUNA CONSERVATION (MANNYELANONG
GAME RESERVE) REGULATIONS, 1985**

(Published on 5th July, 1985)

ARRANGEMENT OF REGULATIONS

REGULATION

PART I — Preliminaries

1. Citation and commencement
2. Interpretation
3. Power of Minister to designate classes or descriptions of non-citizen residents

PART II — Open season and access to Game Reserve

4. Open season in Game Reserve
5. Entry to, exit from and presence within Game Reserve to be restricted
6. Fees

PART III — Conduct within Game Reserve

7. Conduct within Game Reserve

PART IV — Miscellaneous

8. Powers of authorized officers
9. Appeals
10. Provisions in relation to offences

SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Commerce and Industry by section 99 of the Fauna Conservation Act, the following Regulations are hereby made —

PART I — Preliminary

- | | |
|------------------------------|---|
| Citation and commencement | 1. These Regulations may be cited as the Fauna Conservation (Mannyelanong Game Reserve) Regulations, 1985, and shall come into force on 1st January, 1986. |
| Interpretation
Cap. 24:01 | 2. In these Regulations, —
“ammunition” and “arm” have the meanings assigned to those expressions by the Arms and Ammunition Act;
“authorized officer” means any person for the time being holding, acting in or lawfully performing the functions of the public office of Director, Assistant Director, Regional Game Warden, Senior Game Warden, Game Warden, Game Officer, Senior Game Scout, Game Scout or Game Guard or any person designated in writing by the Director or Assistant Director as an authorized officer for the purposes of these Regulations; |

“designated resident” means any person belonging to any class or description of non-citizen residents of Botswana for the time being designated by the Minister under regulation 3;

“Director” and “Assistant Director” mean the Director of Wildlife and National Parks and the Assistant Director of Wildlife and National Parks respectively;

“Game Reserve” means the Mannyelanong Game Reserve established by the Fauna Conservation (Declaration of Mannyelanong Game Reserve) Order, 1985;

S.I. 89 of 1985

“night” means the period between half past six o’clock in the evening and half past six o’clock in the morning.

3. The Minister may, by order published in the Gazette, designate for the purposes of these Regulations any class or description of non-citizen residents of Botswana.

Power of Minister to designate classes or descriptions of non-citizens residents

PART II — Open season and access to Game Reserve

4. The Game Reserve shall be open throughout the year.

Open season in Game Reserve

5. (1) Subject to subregulation (2), no person, other than an authorized officer, shall —

Entry to, exit from and presence within Game Reserve to be restricted

(a) enter or be within the Game Reserve unless he holds a written permit issued by an authorized officer permitting him to enter and be within the Game Reserve; or

(b) enter the Game Reserve except through a point of entry designated as such by a notice-board of the Department or leave the Game Reserve except through a point of exit similarly so designated.

(2) Subregulation (1) shall not apply in the case of a citizen of Botswana or designated resident whose purpose is, within that part of the Game Reserve outside the fenced off area, grazing livestock, collecting dead firewood or collecting wild fruits or other plant parts for human consumption or the preparation of traditional medicine.

(3) No person, other than an authorized officer, shall enter or be within that part of the Game Reserve inside the fenced off areas unless he holds, in addition to a permit such as is referred to in subregulation (1) (a), a written permit issued by the Director permitting him to enter and be within that part of the Game Reserve.

(4) In issuing a permit in terms of this regulation, an authorized officer or the Director, as the case may be, may attach thereto such conditions as he thinks fit and, where conditions are so attached, they shall be clearly set forth in the permit and the holder thereof shall at all times comply with those conditions.

(5) Any person who contravenes any provision of this regulation shall be guilty of an offence and liable to a fine of P500 and to imprisonment for 6 months.

6. (1) No authorized officer’s permit such as is referred to in regulation 5(1) (a) shall be issued unless the appropriate fee therefor set forth in the Schedule has been paid to an authorized officer:

Fees

Provided that —

- (i) where the permit is to be issued to the holder of a Director's permit such as is referred to in regulation 5(3), the permit shall be issued free of charge; and
 - (ii) the Director may authorize the issue of a permit free of charge to a group of students or other persons engaged in a field education trip or scientific expedition or to a public officer in the performance of his duty as such.
- (2) Every Director's permit such as is referred to in regulation 5(3) shall be issued free of charge.

PART III — *Conduct within Game Reserve*

Conduct
within
Game Reserve

7. (1) No person shall —

- (a) remove from the Game Reserve or within the Game Reserve destroy, harm or damage any flora, avifauna or fauna or in any way disturb, molest or interfere with any living thing within the Game Reserve, except with the written permission of the Director:

Provided that this paragraph shall not prohibit any such act by a citizen of Botswana or designated resident, within that part of the Game Reserve outside the fenced off area, which is directly incidental to his grazing livestock, collecting dead firewood or collecting wild fruits or other plant parts for human consumption or the preparation of traditional medicine;

- (b) leave within the Game Reserve refuse of any kind unburied;
- (c) light a fire within the Game Reserve, except with the written permission of an authorized officer;
- (d) cause any damage to any object of geological, ethnological, historical, archaeological or other scientific interest within the Game Reserve;
- (e) remove from the Game Reserve any object such as is referred to in paragraph (d), except with the written permission of an authorized officer;
- (f) introduce any wild or domestic animal into the Game Reserve or permit any domestic animal to stray into the Game Reserve or introduce, otherwise than lawfully, vegetation into the Game Reserve, except with the written permission of an authorized officer:

Provided that this paragraph shall not prohibit the introduction by a citizen of Botswana or designated resident, into that part of the Game Reserve outside the fenced off area, of livestock for the purpose of grazing;

- (g) destroy, harm, damage or deface any object, whether animate or inanimate, within the Game Reserve;
- (h) remain in the Game Reserve at night, except with the written permission of an authorized officer; or
- (i) convey into the Game Reserve or be in possession within the Game Reserve of any ammunition, arm, explosive, bow, arrow or spear or any form of trap, snare or poison or any other weapon or thing capable of being used to kill or capture any animal.

(2) Any person who contravenes any provision of this regulation shall be guilty of an offence and liable to a fine of P500 and to imprisonment for 6 months.

PART IV — *Miscellaneous*

8. (1) Where an authorized officer is of the opinion that any person —

Powers of
authorized
officers

(a) has contravened or attempted to contravene within the Game Reserve any provision of these Regulations or any other written law; or

(b) has behaved or is behaving within the Game Reserve in such a manner as to create or cause a nuisance or has acted or is acting in any way detrimental to the Game Reserve,

the authorized officer may give that person such direction, including a direction immediately to leave the Game Reserve, as he thinks reasonable in the interests of the proper ordering of the Game Reserve.

(2) Every person to whom a direction has been given by an authorized officer under subregulation (1) shall comply therewith and any person who contravenes this subregulation shall be guilty of an offence and liable to a fine of P500 and to imprisonment for 6 months.

(3) Any person to whom a direction has been given by an authorized officer under subregulation (1) to leave the Game Reserve shall not be entitled to any refund of fees paid in terms of these Regulations.

(4) An authorized officer may refuse to issue a permit to enter and be within the Game Reserve to any person or group of persons who he has reason to believe will not comply or has not complied with these Regulations or for any other fit and proper reason in the interests of the effective running of the Game Reserve.

9. (1) Any person who is aggrieved by the refusal of an authorized officer to issue him with a permit to enter and be within the Game Reserve or by a direction given him by an authorized officer under regulation 8(1) to leave the Game Reserve may appeal therefrom to the Director.

Appeals

(2) In order to institute an appeal under subregulation (1), the appellant shall, within 14 days immediately following the day of the refusal or direction in question, lodge with the Director a written notice of appeal, dated and signed by the appellant, setting out the grounds thereof.

(3) Before determining an appeal under subregulation (1), the Director may give both the appellant and the authorized officer in question a reasonable opportunity to make written and oral submissions to him.

(4) After giving due consideration to any submissions made to him in terms of subregulation (3), the Director shall either confirm the refusal or direction in question or reverse the same and his decision shall be final.

10. (1) In the case of a second or subsequent offence under these Regulations, the offender shall in every case be sentenced to a minimum fine of P300, with or without imprisonment.

Provisions in
relation to
offences
under
Regulations

(2) Where a person is convicted of an offence under these Regulations, the court may order that any vehicle, aircraft or animal or any

ammunition, arm, explosive, bow, arrow or spear or any trap, snare or poison or any other weapon or thing used in connexion with the commission of the offence be forfeited to the State:

Provided that if the Minister is satisfied that any such thing is not the property of the convicted person, he may, if he considers it expedient to do so, order the return thereof to the owner, under whatever conditions of return he may wish to impose.

(3) Anything forfeited to the State under this regulation shall be disposed of as the Minister may direct.

SCHEDULE

(reg.6(1))

FEES FOR AUTHORIZED OFFICER'S ENTRY PERMIT

	<i>Citizen</i>	<i>Resident</i>	<i>Non-Resident</i>
Persons of 16 years and over	P1 per day	P5 per day	P10 per day
Children under 16 and over 4 years	25t per day	P1 per day	P2 per day
Children of 4 years and under	Free	Free	Free

MADE this 27th day of June, 1985.

M.P.K. NWAKO,
Minister of Commerce and Industry.

L2/7/88/9 II